

### Remarks

This Amendment is in response to the Office Action dated May 16, 2006. In the Office Action newly amended claims 16-18 and 22-25 were withdrawn from consideration as being directed to a non-elected invention. Claims 1, 2, 4, 5, 7-10, 15, 26-28, 34, and 35 were rejected under 35 USC 103(a) as being unpatentable over Cox in view of Erbel. Claims 1, 2, 4, 5, 7-10, 15, 26-28, 34, and 35 were rejected under 35 USC 103(a) as being unpatentable over Wolinsky in view of Erbel. These issues are addressed under heading consistent with those of the Office Action.

### Election/Restriction

Applicant elects claims 1, 2, 4-10, 13-15, 26-28, 34, and 35 for prosecution of this application without disclaimer or prejudice.

### 35 USC §103

Claims 1, 2, 4, 5, 7-10, 15, 26-28, 34, and 35 were rejected under 35 USC 103(a) as being unpatentable over Cox in view of Erbel. Applicant has amended claim 1 to recite, "each strut extending between a peak at the distal end of the serpentine band and a trough at the proximal end of the serpentine band, at least one of the struts being a special strut". Cox does not teach or suggest special struts extending between a peak at the distal end of the serpentine band and a trough at the proximal end of the serpentine band. Erbel does not provide this missing teaching. For at least this reason claim 1 and those claims dependent thereof are patentable in light of Cox and Erbel.

Similarly, claim 26 was amended to recite, "each special strut extending from the

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peak of the serpentine band to the trough of the serpentine band and having a radiopaque marker therebetween". For the reason given above, Cox does not teach or suggest this limitation nor does Erbel provide this missing limitation. For at least this reason claim 26 and those claims dependent thereof are patentable in light of Cox and Erbel.

Applicant respectfully requests that the rejection be withdrawn.

Claims 1, 2, 4, 5, 7-10, 15, 26-28, 34, and 35 were rejected under 35 USC 103(a) as being unpatentable over Wolinsky in view of Erbel. Claim 1 has been amended to recite, "the first serpentine band connected to the second serpentine band by a connector which extends from one of the ends of the first serpentine band to one of the ends of the second serpentine band". Wolinsky does not teach or suggest this limitation. Erbel does not provide this missing teaching. For at least this reason claim 1 and those claims dependent thereof are patentable in light of Wolinsky and Erbel.

Similarly, claim 26 was amended to recite, "a first serpentine band and a second serpentine band being immediately adjacent one another and connected by a connector extending from the distal end of the first serpentine band to the proximal end of the second serpentine band". Wolinsky also does not teach or suggest this limitation nor does Erbel provide this missing limitation. For at least this reason claim 26 and those claims dependent thereof are patentable in light of Wolinsky and Erbel.

Applicant respectfully requests that the rejection be withdrawn.

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**Conclusion**

In view of the foregoing it is believed that the present application, with claims 1, 2, 4-10, 13-15, 26-28, 34, and 35, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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